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10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2008 - 134

14 **LESLYANN K. PHILLIPS**
3404 Via Alicante
15 La Jolla, CA 92037

A C C U S A T I O N

16 Registered Nurse License No. 633392

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
23 ("Board"), Department of Consumer Affairs.

24 2. On or about February 27, 2004, the Board of Registered Nursing issued
25 Registered Nurse License Number 633392 to Leslyann K. Phillips ("Respondent"). The
26 registered nurse license will expire on March 31, 2008, unless renewed.

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1 **REGULATORY PROVISIONS**

2 6. California Code of Regulations, title 16, section 1442, states:

3 As used in Section 2761 of the code, "gross negligence" includes an
4 extreme departure from the standard of care which, under similar circumstances,
5 would have ordinarily been exercised by a competent registered nurse. Such an
6 extreme departure means the repeated failure to provide nursing care as required
7 or failure to provide care or to exercise ordinary precaution in a single situation
8 which the nurse knew, or should have known, could have jeopardized the client's
9 health or life.

7 7. California Code of Regulations, title 16, section 1443, states:

8 As used in Section 2761 of the code, "incompetence" means the lack of
9 possession of or the failure to exercise that degree of learning, skill, care and
10 experience ordinarily possessed and exercised by a competent registered nurse as
11 described in Section 1443.5.

11 **COST RECOVERY**

12 8. Code section 125.3 provides, in pertinent part, that the Board may request
13 the administrative law judge to direct a licensee found to have committed a violation or
14 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
15 and enforcement of the case.

16 **FACTUAL BACKGROUND**

17 Respondent worked as a registered nurse in the operating room at Scripps
18 Memorial Hospital in La Jolla, California ("Hospital") from approximately July 19, 2004, to
19 August 26, 2006. From on or about July 19, 2004, to May 29, 2005, Respondent worked at the
20 Hospital as a perioperative nursing care coordinator, and from on or about May 29, 2005, to the
21 date of termination, as an assistant manager, patient care. In the course of her duties at the
22 Hospital, Respondent cleaned, and/or instructed others to clean, gastroscopes with an enzymatic
23 solution, rinse them with a sterile solution, and clean the exterior with alcohol. Respondent did
24 not then send, and instructed others not to send, the gastroscopes cleaned thereby to the
25 Hospital's sterile processing department for proper sterilization, as required by the Hospital's
26 established policy and procedure.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Gross Negligence)

3 9. Respondent's license is subject to disciplinary action under Code section
4 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that while on duty as a
5 registered nurse at the Hospital, she failed to follow established policy and procedure for proper
6 sterilization of gastroscopes, thereby putting patients at risk for contracting blood-borne
7 infectious diseases, such as HIV or hepatitis, thereby committing an act constituting gross
8 negligence within the meaning of California Code of Regulations, title 16, section 1442.

9 **SECOND CAUSE FOR DISCIPLINE**

10 (Incompetence)

11 10. Respondent's license is subject to disciplinary action under Code section
12 2761, subdivision (a)(1), on the grounds of incompetence, in that while on duty as a registered
13 nurse at the Hospital, she failed to follow established policy and procedure for proper
14 sterilization of gastroscopes, thereby putting patients at risk for contracting blood-borne
15 infectious diseases, such as HIV or hepatitis, thereby committing an act constituting
16 incompetence within the meaning of California Code of Regulations, title 16, section 1443.

17 **THIRD CAUSE FOR DISCIPLINE**

18 (Failure to Follow Infection Control Guidelines)

19 11. Respondent's license is subject to disciplinary action under Code section
20 2761, subdivision (k), in that while on duty as a registered nurse at the Hospital, Respondent
21 failed to follow established policy and procedure for proper sterilization of gastroscopes, thereby
22 knowingly exposing patients to the transmission of blood-borne infectious diseases, such as HIV
23 and hepatitis.

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PRAYER


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 633392, issued to Leslyann K. Phillips;

2. Ordering Leslyann K. Phillips to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 10/18/07


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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